

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America	)	
v.	)	
MICHELLE DWYANE BYERS	)	Case No: <u>3:97CR184-05</u>
	)	USM No: <u>13185-058</u>
Date of Previous Judgment: <u>September 2, 1998</u>	)	<u>Tanzania C. Cannon-Eckerle</u>
(Use Date of Last Amended Judgment if Applicable)	)	Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>34</u>	Amended Offense Level: <u>34</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>262</u> to <u>327</u> months	Amended Guideline Range: <u>262</u> to <u>327</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): Amendment 706 does not have the effect of lowering the defendant's applicable guideline range due to career offender status; therefore, no reduction is authorized pursuant to USSG § 1B1.10(a)(2)(B).


### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated September 2, 1998 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: August 22, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Frank D. Whitney  
United States District Judge

